

(c) Service accumulation is to be performed in a manner using good engineering judgment to ensure that emissions are representative of production engines.

(d) The manufacturer must maintain, and provide to the Administrator if requested, records stating the rationale for selecting a service accumulation period less than 12 hours and records describing the method used to accumulate hours on the test engine(s).

(e) For purposes of establishing whether Phase 2 engines comply with applicable exhaust emission standards or FELs, the test results for each regulated pollutant as measured pursuant to § 90.119 shall be multiplied by the applicable *df* determined under § 90.104 (g) or (h). The product of the two numbers shall be rounded to the same number of decimal places contained in the applicable standard, and compared against the applicable standard or FEL, as appropriate.

[60 FR 34598, July 3, 1995, as amended at 61 FR 20742, May 8, 1996; 64 FR 15239, Mar. 30, 1999]

§ 90.119 Certification procedure—testing.

(a) *Manufacturer testing.* The manufacturer must test the test engine using the specified test procedures and appropriate test cycle. All test results must be reported to the Administrator.

(1) The test procedure to be used is detailed in Subpart E of this part.

(i) Class I and II engines must use the test cycle that is appropriate for their application. Engines that operate only at intermediate speed must use Test Cycle A, which is described in Table 2 of Appendix A to subpart E of this part. Engines that operate only at rated speed must use Test Cycle B, which is described in Table 2 of Appendix A to subpart E of this part. If an engine family includes engines used in both rated-speed and intermediate-speed applications, the manufacturer must select the duty cycle that will result in worst-case emission results for certification. For any testing after certification, the engine must be tested using the most appropriate test cycle based on the engine's installed governor.

(ii) Class I-A, III, IV, and V engines must use Test Cycle C described in subpart E of this part.

(2) Emission test equipment provisions are described in subpart D of this part.

(b) *Administrator testing.* (1) The Administrator may require that any one or more of the test engines be submitted to the Administrator, at such place or places as the Administrator may designate, for the purposes of conducting emission tests. The Administrator may specify that testing will be conducted at the manufacturer's facility, in which case instrumentation and equipment specified by the Administrator must be made available by the manufacturer for test operations. Any testing conducted at a manufacturer's facility must be scheduled by the manufacturer as promptly as possible.

(2)(i) Whenever the Administrator conducts a test on a test engine, the results of that test will, unless subsequently invalidated by the Administrator, comprise the official data for the engine and the manufacturer's data will not be used in determining compliance with emission standards.

(ii) Prior to the performance of such test, the Administrator may adjust or cause to be adjusted any adjustable parameter of the test engine which the Administrator has determined to be subject to adjustment for certification testing, to any setting within the physically adjustable range of that parameter, to determine whether such engine conforms to applicable emission standards.

(iii) For those engine parameters which the Administrator has not determined to be subject to adjustment for certification testing, the test engine presented to the Administrator for testing will be calibrated within the production tolerances applicable to the manufacturer specification shown on the engine label or in the owner's manual, as specified in the application for certification.

(c) *Use of carryover test data.* In lieu of testing, the manufacturer may submit, with the Administrator's approval, emission test data used to certify substantially similar engine families in previous years. This "carryover" test data is only allowable if the data shows

the test engine would fully comply with the emission standards for the applicable class.

(d) *Scheduled maintenance during testing.* No scheduled maintenance may be performed during testing of the engine.

(e) *Unscheduled maintenance on test engines.* (1) Manufacturers may not perform any unscheduled engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on a test engine without the advance approval of the Administrator.

(2) The Administrator may approve unscheduled maintenance if:

(i) A preliminary determination has been made that a part failure or system malfunction, or the repair of such failure or malfunction, does not render the engine unrepresentative of engines in use, and does not require direct access to the combustion chamber; and

(ii) A determination has been made that the need for maintenance or repairs is indicated by an overt malfunction such as persistent misfire, engine stall, overheating, fluid leakage, or loss of oil pressure.

(3) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (e)(2) of this section.

(4) The Administrator must have the opportunity to verify the extent of any overt indication of part failure (for example, misfire, stall), or an activation of an audible and/or visual signal, prior to the manufacturer performing any maintenance related to such overt indication or signal.

(5) Unless approved by the Administrator prior to use, engine manufacturers may not use any equipment, instruments, or tools to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools are available at dealerships and other service outlets and are used in conjunction with scheduled maintenance on such components.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the engine unrepresentative of production engines, the engine cannot be used as a test engine.

(7) Unless waived by the Administrator, complete emission tests are required before and after any engine maintenance which may reasonably be expected to affect emissions.

(f) *Engine failure.* A manufacturer may not use as a test engine any engine which incurs major mechanical failure necessitating disassembly of the engine. This prohibition does not apply to failures which occur after completion of the service accumulation period.

[60 FR 34598, July 3, 1995, as amended at 65 FR 24308, Apr. 25, 2000; 70 FR 40448, July 13, 2005]

§ 90.120 Certification procedure—use of special test procedures.

(a) *Use of special test procedures by EPA.* The Administrator may establish special test procedures for any engine that the Administrator determines is not susceptible to satisfactory testing under the specified test procedures set forth in subpart E of this part.

(b)(1) *Use of alternate test procedures by an engine manufacturer.* A manufacturer may elect to use an alternate test procedure provided that it yields results equal to the results from the specified test procedure in subpart E, its use is approved in advance by the Administrator, and the basis for equivalent results with the specified test procedure is fully described in the manufacturer's application.

(2) An engine manufacturer electing to use alternate test procedures is solely responsible for the results obtained. The Administrator may reject data generated under test procedures which do not correlate with data generated under the specified procedures.

(3) [Reserved]

(4) Where we specify mandatory compliance with the procedures of 40 CFR part 1065, manufacturers may elect to use the procedures specified in 40 CFR part 86, subpart N, as an alternate test procedure without advance approval by the Administrator.

(c) Optional procedures approved during Phase 1 can be carried over to Phase 2, following advance approval by the Administrator, to the extent the alternate procedure continues to yield results equal to the results from the